

FILED

JUL 18 2011

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

MAHMOOD GUILANI

Plaintiff

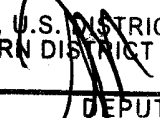
v.

CHASE INVESTMENT SERVICES
CORP. and THOMAS McNAIRY

Defendants

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No. SA-11-CA-59

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK**ORDER REGARDING MOTIONS TO DISMISS CLAIMS**

Plaintiff Mahmood Guilani filed this civil action in the 45th District Court of Bexar County, Texas. The Defendants filed a notice of removal, removing the case to this Court. On June 16, 2011, Chase Investment Services Corp. filed a motion to dismiss counts four, five, and six of the Plaintiff's complaint. Defendant Thomas McNairy filed a motion to dismiss the entire complaint against him. On July 14, 2011, Plaintiff Guilani filed his response to those motions. In substance, the Plaintiff does not oppose the Defendant's motion to dismiss counts four, five, and six of his complaint, and he voluntarily moves to dismiss count seven. However, Plaintiff opposes McNairy's motion to dismiss the complaint, and has filed contemporaneously a motion for leave to amend his complaint to assert new theories of recovery against McNairy individually. The Court, having considered the Defendants' motions and the Plaintiff's response, finds that counts four, five, six, and seven of Plaintiff's original complaint should be dismissed. However, the Court will reserve judgment on McNairy's motion to dismiss the complaint pending receipt of the Defendant's

response to the Plaintiff's motion for leave to amend.

IT IS THEREFORE ORDERED that the motion of Defendant Chase Investment Services Corp. to dismiss counts four, five, and six of the Plaintiff's complaint be, and it is hereby, GRANTED.

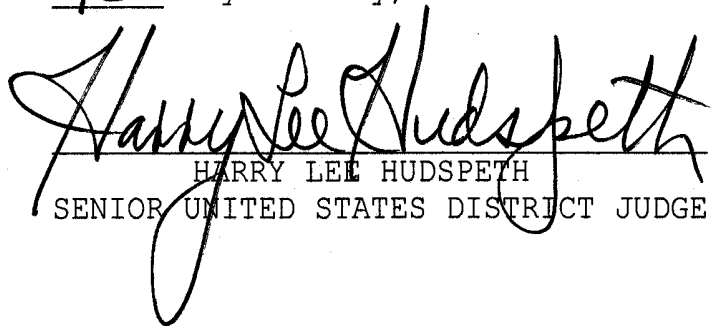
IT IS FURTHER ORDERED that counts four, five, and six of the Plaintiff's complaint be, and they are hereby, DISMISSED with prejudice.

IT IS FURTHER ORDERED that the Plaintiff's motion to dismiss count seven of his complaint be, and it is hereby, GRANTED.

IT IS FURTHER ORDERED that count seven of the complaint be, and it is hereby, DISMISSED with prejudice.

IT IS FURTHER ORDERED that Defendant Thomas McNairy respond without delay to the Plaintiff's motion for leave to amend his complaint.

SIGNED AND ENTERED this 15th day of July, 2011.


HARRY LEE HUDSPETH
SENIOR UNITED STATES DISTRICT JUDGE